



TOWN OF WESTFORD
Office of the Town Clerk

PUBLIC NOTICE

THE FOLLOWING BYLAWS HAVE BEEN APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL AND ON JULY 28, 2016 ARTICLE 20 WILL BE IN EFFECT and ARTICLES 21, 22, & 23 (Zoning) WILL BE IN EFFECT RETROACTIVE TO APRIL 2, 2016.

At a legal meeting of qualified voters of the Town of Westford, held on April 2, 2016, the following business was transacted under Articles 20, 21, 22 & 23:

ARTICLE 20: Polystyrene Disposable Food Container Restriction

That the Town adopt a by-law to prohibit the use of polystyrene food containers for serving or transporting prepared, ready-to-consume food or beverages, including take-out foods and leftovers from partially consumed meals but not including single-use disposal packaging for unprepared foods; to apply to all city departments, as well as individuals, contractors, vendors in a town facility or town property while acting or performing under a town contract, lease, license, permit, grant, or other agreement, and to be enforced by Town's Health Department with appropriate warnings and fines for noncompliance.

A complete copy of the vote under this article is attached and also available at the Town Clerk's Office.

ARTICLE 21: Amend Zoning Bylaw Section 5.3 Signs, and Section 10.2 (sign-related)

Definitions

That the Town amend Section 5.3, Signs to clarify what permits are needed from Building Commissioner and to allow for "channel-like" illuminated letters on opaque background by right and adjust figures accordingly as set forth in the vote; and to amend the definition for Channel Letter Sign.

A complete copy of the vote under this article is attached and also available at the Town Clerk's Office.

ARTICLE 22: Amend Zoning Bylaw Section 10.2 Definitions

That the Town amend Section 10.2 – Definitions – to remove Section d. under Major Commercial Project, to add a definition of 'Asphalt Manufacturing Plant', and to revise the definition of 'Light Manufacturing' as set forth in the vote.

A complete copy of the vote under this article is attached and also available at the Town Clerk's Office.

ARTICLE 23: Amend Zoning Bylaw Appendix A: Table of Principal Uses

That the Town amend Appendix A – Table of Principal Use Regulations - to add 'Asphalt Manufacturing Plant' and to prohibit Asphalt Manufacturing Plant in all Zoning Districts as set forth in the vote.

A complete copy of the vote under this article is attached and also available at the Town Clerk's Office.

Claims of invalidity by reason of any defect in the procedure of adoption or amendment may only be made within 90 days of such posting.

Complete copies of votes relating to these amended bylaws may be examined and obtained at the Town Clerk's Office from Monday – Friday, 8:00am – 4:00pm.

Copies of the amended bylaws are also posted at the following locations:

- (Precinct 1) Town Hall – 55 Main Street
- (Precinct 2) Forge Village Post Office – 5 West Prescott Street
- (Precinct 3) Nabnasset Post Office – 62 Brookside Road
- (Precinct 4) Main Post Office – 301 Littleton Road
- (Precinct 5) J.V. Fletcher Library – 50 Main Street
- (Precinct 6) Nabnasset Fire Station – 14 Oak Hill Road

Kaari Mai Tari
Town Clerk

CONSTABLE'S RETURN OF SERVICE

Town of Westford, Middlesex, ss.

Date: *July 15, 2016*

On the date above written, I have served this warrant by posting attested printed copies thereof at Town Hall, Library and at each Post Office in said Town of Westford.


Constable, Town of Westford



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

July 11, 2016

Kaari Mai Tari, Town Clerk
Town of Westford
55 Main Street
Westford, MA 01886

RE: Westford Annual Town Meeting of April 2, 2016 - Case # 7886
Warrant Articles # 21, 22, and 23 (Zoning)
Warrant Article # 20 (General)

Dear Ms. Tari:

Article 20, 21, 22, and 23 - We approve Articles 20, 21, 22, and 23 from the April 2, 2016 Annual Town Meeting. Our comments on Article 21 are provided below.

Article 21 - Article 21 amends Section 5.3 of the Town's zoning by-laws, "Signs," by making specific changes that: (1) "clarify what permits are needed from the Building Commissioner" and (2) "allow for 'channel-like' illuminated letters on opaque background by right. . . ."

While we approve Article 21, the Town should be aware of the recent Supreme Court decision in Reed v. Gilbert, Arizona, 135 S. Ct. 2218 (2015), which held that the Town's content-based sign regulation was unconstitutional because it was not narrowly tailored to serve a compelling state interest.

The Town of Gilbert, Arizona adopted a comprehensive sign ordinance that required a sign permit for outdoor signs. The sign ordinance exempted 23 types of signs from the permit requirement, including three types of signs that were the focus of the Court's decision: (1) ideological signs; (2) political signs; and (3) temporary directional signs relating to a qualifying event.¹ However, such signs were subject to specific restrictions, including durational and size limitations.

¹ "Qualifying event" was defined in the ordinance as any "assembly, gathering, activity, or meeting sponsored, arranged, or promoted by a religious, charitable, community service, educational, or other similar non-profit organization." Id. at 2225.

The Petitioners in Reed were the Good News Community Church and its pastor, who placed 15 to 20 signs around the Town informing the public of its worship services. The Petitioners were cited twice for violating the Town's temporary directional sign restrictions. Specifically, the Petitioners were cited for (1) displaying the signs past the time limit required under the ordinance and (2) for omitting the date of the event on the signs. After failing to resolve the matter with the Town, the Petitioners filed a complaint alleging that the sign ordinance violated their free speech rights guaranteed under the First and Fourteenth Amendments to the U.S. Constitution. The Ninth Circuit Court of Appeals held that the sign ordinance's provisions were content-neutral and did not violate the First Amendment. The United State Supreme Court granted certiorari and reversed the Ninth Circuit's decision.

The Supreme Court focused on three categories of signs that, in the Town's ordinance, were exempt from the sign permit requirement but subject to specific durational and size limitations: (1) ideological signs; (2) political signs; and (3) temporary directional signs relating to a qualifying event. First, the Court reiterated that the First Amendment prohibits local governments from restricting expression because of the message, idea, subject matter, or content. Id. at 2226. A regulation is content-based if it applies to a particular speech because of the topic discussed or the idea or message expressed. "This commonsense meaning of the phrase 'content-based' requires a court to consider whether a regulation of speech 'on its face' draws distinctions based on the message a speaker conveys." Id. at 2227. Content-based laws are subject to strict scrutiny and are presumptively unconstitutional. Strict scrutiny requires the government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest. Id. at 2227.

The Supreme Court held that Gilbert's sign ordinance was content-based on its face because the restrictions placed on signs were based entirely on the communicative content of the sign. For example, the sign ordinance defined an ideological sign as a sign that communicates a message or idea that does not fit within another category in the sign ordinance. The ordinance defined a political sign as a sign that is designed to influence the outcome of an election. Finally, a temporary directional sign was defined as a sign that directs the public to church or some other qualifying event. Each of these signs was then subject to different size and durational limitations. Because the sign ordinance was content-based, the Court analyzed it using strict scrutiny.

Strict scrutiny requires the Court to determine whether: (1) the municipality demonstrated a compelling governmental interest and (2) whether the restriction is narrowly tailored to achieve that governmental interest. The Town of Gilbert offered two governmental interests for adopting its sign ordinance: (1) preserving the Town's aesthetic appeal; and (2) traffic safety. Reed, 135 S.Ct. at 2231. The Court assumed for the sake of argument that those were compelling governmental interests, but found that the sign ordinance's distinctions were under-inclusive. The sign ordinance was under-inclusive because temporary directional signs are "no greater [an] eyesore" than ideological or political signs, yet, the ordinance allowed unlimited ideological signs while imposing greater restrictions on temporary directional signs. As to traffic safety, the Court found that temporary directional signs did not pose a greater threat to traffic safety than

ideological or political signs.² Id. at 2231-32. Because of this under-inclusiveness, the ordinance was not narrowly tailored to further a compelling governmental interest and therefore failed strict scrutiny review. Id. at 2232.

In holding that the Town's sign ordinance was unconstitutional, the Court offered guidance on the types of sign regulations that may be adopted consistent with the First Amendment. The Court noted that the Town had ample content-neutral options to regulate signs. In a concurring opinion, Justice Alito offered specific examples of sign regulations that could be imposed so long as they are not content-based:

- Rules regulating size;
- Rules regulating location;
- Rules distinguishing between lighted and unlighted signs;
- Rules distinguishing between signs with fixed messages and electronic signs with messages that change;
- Rules that distinguish between the placement of signs on commercial and residential property;
- Rules distinguishing between on premises and off-premises signs;
- Rules restricting the total number of signs allowed per mile of roadway; and
- Rules imposing time restrictions on signs advertising a time event.

Reed, 135 S.Ct. at 2233.

If a sign by-law is challenged in court, it is the municipality's burden to demonstrate that the sign by-law is narrowly tailored to achieve a compelling government interest. Reed, 135 S.Ct. at 2231. A municipality usually attempts to meet that burden by citing to a statement of purpose or findings in the by-law itself. *See, e.g., Commonwealth v. Weston W.*, 455 Mass. 24, 27-28, 36 (2009) (ordinance included a series of findings made by the council followed by a statement of purpose, supporting the trial court judge's finding that the council adopted the ordinance only 'after months of planning, debating, and researching models from other cities'). Only after the community demonstrates the legitimate goals of the by-law can the court determine whether the by-law is narrowly tailored to achieve those goals.

The amendments in Article 21 appear to be content-neutral regulations. However, these amendments when read together with the Town's existing sign regulations could be considered content-based regulations. Based on our standard of review we cannot conclude that any of the amendments adopted under Article 21 would be construed as content-based and subject to the strict scrutiny standard. Even if we were to conclude that the amendments are content-based and thus subject to strict scrutiny, we do not have the factual record necessary to determine whether the amendments are narrowly tailored to serve a compelling municipal interest.³ The

² In fact, the Court observed that a "sharply worded ideological sign seems more likely to distract a driver than a sign directing the public to a nearby church meeting." Id. at 2232.

³ In determining whether a by-law is inconsistent with the Constitution and laws of the Commonwealth, the Attorney General has available to her the materials that the Town Clerk is required to submit pursuant to G.L. c. 40, § 32:

determination of these issues must be left for a court, which would be better equipped to find the facts on a full record and determine whether the by-law is valid.

Additionally, we do not opine whether the Town's existing sign provisions would be upheld by a court after review on a fuller factual record, or whether a court would determine that the Town's sign regulations impermissibly restrict freedom of speech. We strongly suggest that the Town discuss the Reed decision with Town Counsel. Specifically, the Town should discuss with Town Counsel whether its existing sign regulations need further amendment and whether all existing sign regulations should be enforced in light of Reed.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Margaret J. Hurley

By: Margaret J. Hurley
Chief, Central Massachusetts Division
Director, Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4402

cc: Town Counsel John Giorgio

. . . a certified copy of such by-law with a request for its approval, a statement clearly explaining the proposed by-law, including maps and plans if necessary, and adequate proof that all of the procedural requirements for the adoption of such by-law have been complied with.

The Attorney General's review under G.L. c. 40, § 32, is limited to the text "of the proposed by-law . . . and adequate proof that all of the procedural requirements for the adoption of such by-law have been complied with." It is under these parameters that we review Westford's sign by-law amendment adopted under Article 21.



TOWN OF WESTFORD
Office of the Town Clerk

2016 ANNUAL TOWN MEETING

April 2, 2016

Polystyrene Disposable Food Container Restriction

ARTICLE 20. Upon a motion duly made and seconded, it was

VOTED: That the Town adopt a by-law to prohibit the use of polystyrene food containers for serving or transporting prepared, ready-to-consume food or beverages, including take-out foods and leftovers from partially consumed meals but not including single-use disposal packaging for unprepared foods; to apply to all city departments, as well as individuals, contractors, vendors in a town facility or town property while acting or performing under a town contract, lease, license, permit, grant, or other agreement, and to be enforced by Town's Health Department with appropriate warnings and fines for noncompliance.

Ch. 135: Polystyrene Restriction

§ 135.1. Findings and Intent.

- Whereas, the Town has a duty to protect the health of its citizens and the natural environment.
- Whereas, Styrofoam is the brand name for polystyrene (Dow Chemical Co.), a synthetic plastic that biodegrades so slowly (hundreds of years) it is considered to be non-biodegradable.
- Whereas, expanded polystyrene containers are not part of the Town's regular recycling program.
- Whereas, styrene, the key ingredient in expanded polystyrene, was recently added to the National Toxicology Program's list of carcinogens (U.S. Depart. of Health and Human Services). Styrene can leach from polystyrene containers into food and beverages. It has become a major component of plastic debris in the ocean and animals often mistake it for food. It is also hazardous to marine life, transferring toxic chemicals to the food chain.
- Whereas, several communities in Massachusetts have banned disposable food service containers, including Amherst, Brookline, Great Barrington, Nantucket, Somerville, South Hadley, Williamstown as well as major cities such as Los Angeles, Chicago, Miami Beach, New York City, Portland, and Seattle. This bylaw is patterned after similar ones enacted in Massachusetts.
- Whereas, appropriate alternative products are readily available from vendors and are already being used by many of our businesses.

§135.2. Effective Date.

- A. This bylaw shall take effect July 1, 2017.
- B. Each section of this bylaw shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be invalid for any reason, the remainder of this bylaw shall continue in force.

§135.3. Definitions.

Disposable food service container shall mean single-use disposable products for serving or transporting prepared, ready-to-consume food or beverages, including, without limitation, take-out foods and/or leftovers from partially consumed meals prepared by a food establishment. This includes, but is not limited to plates, cups, bowls, trays, hinged or lidded containers, cups, lids, straws, and utensils. It does not include single-use disposable packaging for unprepared foods.

Expanded polystyrene shall mean blown polystyrene (polystyrene that has been expanded or blown using a gaseous blowing agent into a solid foam) and expanded and extruded forms, which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term also includes clear or solid polystyrene, which is also known as "oriented," or referenced in this bylaw as "Rigid Polystyrene." Rigid Polystyrene is generally used to make clear clamshell containers, lids, and cutlery.

Fineable offense is defined as a knowing common use of item or items restricted by the bylaw. Common use refers to item or items that are part of one's normal or daily use.

Food establishment shall mean any operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et seq., shall be considered a food establishment for purposes of this bylaw.

Prepared food shall mean any food or beverage prepared on the food establishment's premises using any cooking or food preparation technique. Prepared food does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation. Prepared food may be eaten on or off the food establishment's premises.

Town Facility shall mean any building, structure, land, or recreational area owned, leased, or operated by the Town of Westford.

§135.4. Prohibitions.

- A. Except as provided herein, food establishments are prohibited from dispensing prepared food and drink in disposable food service containers made from expanded polystyrene. All food

establishments are strongly encouraged to use reusable food service containers and cutlery, and when possible biodegradable, compostable alternatives. Compostable materials must meet ASTM (American Society of the International Association for Testing and Materials) Standards for compostability.

- B. Town departments or agencies shall not purchase or use disposable food service containers made from expanded polystyrene while in the performance of official Town duties.
- C. Individuals, contractors, vendors, or other entities shall not use disposable food service containers made from expanded polystyrene in a Town facility or Town property while acting or performing under a Town contract, lease, license, permit, grant, or other agreement.
- D. Nothing in this section shall prohibit someone from purchasing or using said containers for personal use, nor shall it prohibit any individual from purchasing or using said containers for a private function or when serving food on property owned by that person.

§135.5. Variance.

- A. Any food establishment or Town Department and its agencies may make a written application to the Board of Health for a variance from this bylaw.
- B. Every application for a variance is subject to a public hearing. Notice of the hearing shall be posted as part of a public notice of the Board of Health meeting at which the application will be considered. Notice shall be posted no less than 48 hours before the meeting.
- C. By vote of a majority of its full authorized membership, the Board of Health may grant a variance in cases where a suitable biodegradable, compostable, reusable or recyclable alternative does not exist for a specific usage, and/ or enforcement of this bylaw would cause undue hardship to that food establishment or Town Department.
- D. A variance may be granted for up to six months and extended for like periods upon submission of a renewal application.
- E. Any variance granted by the Board shall be in writing.
- F. A copy of the variance granted under this Section shall be available for public inspection on the premises for which it is issued.

§135.6. Enforcement, Penalties and Fines.

- A. The Board of Health or its designee shall have primary responsibility for enforcement of this bylaw. This shall include: establishment of regulations or administrative procedures, inspections, and issuance of citations for violations.

- B. The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and CMR 590.15, may suspend or revoke the license or permit for any establishment failing to comply with this by-law.
- C. Violations of this by law may result in monetary penalties, provided however that any such assessment shall be by a non-criminal disposition as provided in MGL Chapter 40, Section 21D, and Section 1.3 of the bylaws; provided however, that the following penalties shall apply:
 - 1. First offence – a written warning specifying the violations and appropriate penalties for future violations.
 - 2. Second offence - \$50
 - 3. Third offence - \$100
 - 4. Fourth and subsequent offence - \$200

Fines for repeated violations in a one year period are cumulative as provided in Section 1.3B of the bylaws

Majority vote
April 2, 2016

A True Copy Attest:

Kaari Mai Tari
Town Clerk



TOWN OF WESTFORD
Office of the Town Clerk

2016 ANNUAL TOWN MEETING
April 2, 2016

Amend Section 5.3 Signs, and Section 10.2 Definitions (Sign related definitions)

ARTICLE 21. Upon a motion duly made and seconded, it was

VOTED: That the Town amend Section 5.3, Signs to clarify what permits are needed from Building Commissioner and to allow for “channel-like” illuminated letters on opaque background by right and adjust figures accordingly as set forth below:

NOTE: Additions are shown in underline and deletions in ~~striketrough~~. ONLY SECTIONS BEING CHANGED ARE INCLUDED.

5.3.4 General Sign Regulations

Except where stated otherwise, the following provisions shall apply to signs in all Zoning Districts:

1. Permits, Construction and Maintenance

- a. A sign permit from the Building Commissioner ~~Department~~ is required for all signs, ~~not exempted pursuant to §5.3.5.~~

...

5. Illumination

- a. No sign shall incorporate or be lit by flashing or blinking lights, or by lights changing in intensity except as permitted herein.
- b. The display area of an illuminated sign shall not exceed an average luminance of fifty (50) foot-candles measured directly on the surface of the sign.
- c. Light fixtures including bulb or tubes used for sign illumination shall be selected and positioned to achieve the desired brightness of the sign with the minimum possible wattage, while ensuring compliance with all applicable requirements of this Bylaw.
- d. Time limits on illumination. All illuminated signs must be on a timer or manually turned off 30 minutes after closing of the store or business, or 30 minutes after working hours, or before 11:00 PM, whichever is earlier, unless a special exception has been granted by the Building Commissioner for public safety or convenience. Examples of special exceptions include but are not limited to: late night food service, hospitals or other 24-hour medical facilities, gas stations, public buildings, and 24 hour operations such as a hotel.
- e. Signs may be lit by an external source of illumination. When a sign is lit by an external source, the illumination of a sign shall not interfere with visibility by

pedestrians or operators of motor vehicles in the vicinity, and shall be directed down whenever it would not present such interference.

- f. The following types of signs with internal illumination shall be permitted, provided that they comply with all applicable standards
- (1) Neon and LED Window Signs, subject to § 5.3.5(10).
 - (2) Halo Individual Letter Signs or symbols, back-lit with a concealed light source, which create a halo effect in which the letters or symbols are silhouetted against a solid background, illuminated by the light source, as shown in Figure 5.3.1
 - (3) Internally illuminated Channel Letter Signs as defined in §10.2 and internally illuminated signs with opaque background and translucent letters and/or logos or signs with Channel letter faces as shown in Figure 5.3.2.
 - (4) Other types of internally illuminated signs may be authorized by a Special Permit in accordance with § 5.3.11.

Figure 5.3.1 Halo Lettering

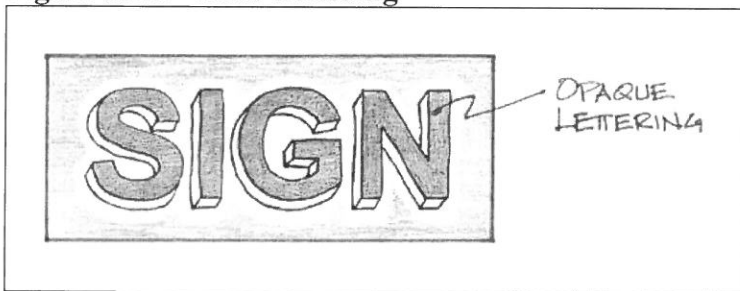


Figure 5.3.2 Internal Illumination with Channel Letters



NOTE: delete this Figure and renumber remaining Figures.

5.3.5 Signs Which Do Not Require Planning Board Approval a ~~Sign Permit~~

The following signs do not require Planning Board approval ~~sign permit~~ provided such signs comply with §§ 5.3.8 and 5.3.9 unless specifically provided otherwise in this section. See §5.3.7 for Administration and Building Commissioner permit procedures. These regulations shall not apply to any sign that expresses religious, political, or other opinions or are otherwise considered to be non-commercial “speech” under the First Amendment of the United States Constitution. For the types of signs included in this section that exceed the standards below, review shall be in accordance with §9.4, Site Plan Review.

1. **Agricultural Sign.** In any zoning district, one sign indicating on-premise agricultural uses as referenced in § 3 of G.L. Chapter 40A, offering for sale produce and other farm products. Such sign may be a portable sign.
2. **Construction Sign.** In any zoning district, one sign is allowed for a buildable lot during active construction identifying the proposed building, the owner or intended occupant and the contractor, architect and engineers. Its display area shall not exceed six (6) square feet in Residence A and B Districts, or thirty-two (32) square feet in any other district. Such signs shall not be illuminated, shall not be erected prior to the issuance of a building permit (or other permit approving site work), and shall be removed upon completion of the construction or seven days following the issuance of the occupancy permit, whichever occurs sooner.
3. **Small Wall Sign.** In non-residential zoning districts, in addition to otherwise permitted signs, one small wall sign may be erected on the exterior wall of a building at each entrance or at one other appropriate location on the wall of a building, provided that the display area shall not exceed six (6) square feet; such sign shall not be illuminated.
4. **Fuel Pump Sign.** Fuel pump signs located on service station fuel pumps identifying the name or type of fuel and price thereof.
5. **Government Sign.** Signs, including portable signs, erected and maintained by the Town, the Commonwealth of Massachusetts, or the Federal Government on any land, building or structure in use by such governmental entity do not require Planning Board approval for a sign permit.
6. **Small Ground Signs.** In non-residential zoning districts, unless otherwise specified herein, and in addition to otherwise permitted signs, small ground signs may be erected with appropriate permit(s) from the Building Commissioner in accordance with §5.3.7 and consistent with the following standards:
 - a. Small ground signs shall not be internally illuminated, nor advertise, identify or promote any business, business service, product, commodity, entertainment or commercial activity. Generally, they are signs that meet the following purposes:
 - i. Necessary for the safety and direction of vehicular and pedestrian traffic;
 - ii. To identify handicapped parking and access;
 - iii. To display a Street name or number or a house, block, unit or building number;
 - iv. To give direction to a public service facility or accommodation; an official inspection station
 - v. If required for occupational safety and health reasons;
 - vi. To prohibit trespassing, hunting, or specified activities on private property.
 - b. The maximum height of a small ground sign is six (6) feet as measured from average grade;
 - c. The display area of a small ground sign shall not exceed six (6) square feet.
 - d. No more than three (3) small ground signs are allowed for each lot.

...

5.3.7. Administration

Signs which have been approved under a Site Plan and/or Special Permit Review still require a sign permit ~~shall be entitled to a Sign Permit~~ from the Building Commissioner, ~~provided that the sign complies with said approval.~~

1. **Permit Application.** All applications for signs ~~requiring a sign permit~~ shall be made to the Building Commissioner in such form as s/he may require. The Building Commissioner shall have the authority to reject any sign permit application which is not complete when submitted.
2. **Special Permit Granting Authority.** ~~The Building Commissioner is the Permit Granting Authority for signs except for those permits for which T~~the Planning Board is the Special Permit Granting Authority (SPGA) hereunder. Once approved by the SPGA, a sign permit is still required to be submitted to the Building Commissioner.
3. **Permit Processing Deadlines.** The Building Commissioner shall approve or disapprove any application for a sign permit within thirty (30) days of receipt of the application. ~~unless such signs require a Site Plan Review or Special Permit. If a Sign Permit requires a Site Plan Review or Special Permit, the permit processing deadlines and requirements are as provided in G.L.c.40A §9.~~
4. **Fees.** The Building Commissioner shall establish and from time to time review a sign permit fee which shall be published as part of a sign permit application.
5. **Portable Sign Registry.** The Building Commissioner shall establish and maintain a registry of those portable signs authorized to be displayed for longer than 14 days. The Portable Sign Registry shall provide for an annual registration of applicable signs and a mechanism by which the Building Commissioner can track which portable signs are allowed for greater than 14 days in accordance with §5.3.9.5.

...

Sign definitions. The following definitions apply to signs and their appurtenances: [Replaced 10-22-2013 Adj. STM Art. 17]

Channel Letter Sign. A type of internally illuminated sign wherein individual letters or images are illuminated. Channel Letter Sign also includes “push through” letters that are illuminated from behind with an opaque background. This type of sign is distinct from an internally illuminated “box” sign, where a regular shape (such as a rectangle) is illuminated with dark lettering/logos and a light colored background.

Unanimous vote
April 2, 2016
A True Copy Attest:

Kaari Mai Tari
Town Clerk



TOWN OF WESTFORD
Office of the Town Clerk

2016 ANNUAL TOWN MEETING
April 2, 2016

Amend Section 10.2 Definitions

ARTICLE 22. Upon a motion duly made and seconded, it was

VOTED: That the Town amend Section 10.2 – Definitions – to remove Section d. under Major Commercial Project, to add a definition of 'Asphalt Manufacturing Plant', and to revise the definition of 'Light Manufacturing' as set forth below:

NOTE: Additions are shown in underline and deletions in ~~striketrough~~. ONLY SECTIONS BEING CHANGED ARE INCLUDED.

SECTION 10.0 DEFINITIONS

10.1 INTERPRETATION

For the purpose of this chapter, certain words and terms shall have the following meanings: The words "used or occupied" include the words "designed", "arranged", "intended" or "offered" to be "used or occupied"; the word "building", "structure", "lot", "land", or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory. If any word in this chapter is not so defined or is not hereafter defined, it shall have its ordinary dictionary meaning.

10.2 GENERAL DEFINITIONS

[Amended 5-5-2007 ATM, Art. 22; 10-22-2013 Adj. STM Art. 17; 3-22-2014 ATM, Art 30]

As used in this chapter, the following terms shall have the meanings indicated:

...

Asphalt Manufacturing Plant: A facility used for the production of liquid asphalt and/or bituminous concrete to be sold and/or used off-site, including, but not limited to, facilities for administration, combustion machines for heating products, associated fans, belts and chimneys, rock crushers, tanks for storage of liquid asphalt, as well as stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment.

...

Light Manufacturing: Fabrication, assembly, processing or packaging operations contained within a building, employing only electric or other substantially noiseless and inoffensive motor power utilizing hand labor or quiet machinery and processes but subject, however, to the following conditions: Any

light manufacturing business, the conduct of which may be detrimental to the health, safety or welfare of persons working in or living near the proposed location of such manufacturing, including, without limiting the generality of the foregoing, special danger of fire or explosion, pollution of waterways, corrosive or toxic fumes, gas, smoke, soot, dust or foul odors and offensive noise and vibrations, is expressly prohibited. Noise, odor, smoke, heat, glare, and vibration resulting from light manufacturing activity are confined entirely within the building. Light manufacturing shall not include uses such as mining and extracting industries, petrochemical industries, or storage of more than 5,000 gallons of petrochemical materials, or rubber refining.

...

Major Commercial Project: [Amended 5-7-2005 ATM Art. 15] Any industrial or commercial use which has one or more of the following characteristics:

- a. 15,000 square feet or more of gross floor area in any building or combination of buildings;
- b. More than 100 required parking spaces;
- c. Generation of more than 250 vehicle trips per day, as determined by the ITE's Trip Generation Manual.
- d. ~~The use is allowed in the district in which it will be located.~~

Two-thirds declared majority vote

April 2, 2016

A True Copy Attest:

Kaari Mai Tari
Town Clerk



TOWN OF WESTFORD
Office of the Town Clerk

2016 ANNUAL TOWN MEETING
April 2, 2016

Amend Appendix A: Table of Principal Uses

ARTICLE 23. Upon a motion duly made and seconded, it was

VOTED: That the Town amend Appendix A – Table of Principal Use Regulations - to add 'Asphalt Manufacturing Plant' and to prohibit Asphalt Manufacturing Plant in all Zoning Districts as set forth below:

Article 23: Amend Appendix A

Appendix A: Table of Principal Use Regulations

PRINCIPAL USE	DISTRICTS									
	RA	RB	B	BL	CH	IH	IA	IB	IC	ID
A. Residential Uses										
1. Single-family dwelling	Y	Y	Y	N	N	N	Y	SPA	SPA	N
2. Conversion of dwelling	SPA	SPA	SPA	N	N	N	SPA	SPA	SPA	N
3. Open space residential development	SPB	SPB	N	N	N	N	SPB	N	SPB	N
4. Flexible development	SPB	SPB	N	N	N	N	SPB	N	SPB	N
5. Assisted living facility	SPB	SPB	N	N	SPB	SPB	SPB	SPB	SPB	SPB
6. Trailer, mobile or otherwise	N	N	N	N	N	N	N	N	N	N
B. Exempt and Institutional Uses										
1. Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Child care facility in existing building	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4. Child care facility in new building	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
5. Cemetery	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
6. Municipal facility, excluding parking lots	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
7. Municipal parking lot or garage	N	N	N	N	Y	Y	N	N	N	N
8. Essential services	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
9. Hospital or clinic	SPA	SPA	SPA	N	SPA	N	SPA	SPA	N	N
C. Agricultural Uses										
1. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

See Definitions Y= Permitted, N= Not permitted

SPB = special permit to Planning Board SPA = special permit to Zoning Board of Appeals

Article 23: Amend Appendix A Appendix A: Table of Principal Use Regulations

PRINCIPAL USE	DISTRICTS										
	RA	RB	B	BL	CH	IH	IA	IB	IC	ID	
D. (B) Motor Vehicle Services											
1. Motor vehicles services	N	N	SPA	N	SPA	SPA	SPA	SPA	N	N	
2. Motor vehicle repair establishments	N	N	SPA	N	SPA	SPA	SPA	SPA	N	N	
D. (C) Other Commercial Uses											
1. Nursing or convalescent home	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N	
2. Funeral home	N	N	Y	N	Y	N	Y	Y	N	N	
3. Hotel	N	N	Y	N	SPB	N	Y	Y	N	N	
4. Restaurant	N	N	Y	Y	Y	N	Y	Y	N	N	
5. Restaurant, drive-in	N	N	N	N	N	N	N	N	N	N	
6. Business or professional office	N	N	Y	Y	Y	Y	Y	Y	Y	Y	
7. Printing establishment, newspaper	N	N	Y	N	N	N	Y	Y	Y	Y	
8. Nonexempt educational use	N	N	N	N	Y	N	N	N	N	N	
9. Nonprofit membership club	Y	Y	Y	N	Y	N	Y	Y	N	N	
10. Indoor and outdoor commercial recreation	N	N	N	N	SPA	N	N	N	N	N	
11. Winter commercial recreation	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N	
12. Horseback riding academy	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N	
13. Place of amusements or assembly	N	N	SPA	N	N	N	SPA	SPA	N	N	
14. Indoor motion-picture establishment	N	N	N	N	Y	N	N	N	N	N	
15. Golf course; golf club	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N	
16. Personal service establishment	N	N	Y	Y	Y	N	Y	Y	N	N	

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Article 23: Amend Appendix A

Appendix A: Table of Principal Use Regulations

DISTRICTS											
PRINCIPAL USE	RA	RB	B	BL	CH	IH	IA	IB	IC	ID	
<i>D. (C) Other Commercial Uses (continued)</i>											
17. General service establishment	N	N	N	Y	Y	Y	N	N	Y	Y	N
18. Planned commercial development	N	N	N	N	SPB	N	N	N	N	N	N
19. Commercial parking lot	N	N	N	N	Y	Y	N	N	N	N	N
20. Adult entertainment establishment	N	N	N	N	SPA	N	N	N	N	N	N
21. Massage establishment	N	N	N	N	N	N	N	N	N	N	N
22. Body art establishment	N	N	N	N	SPA	N	N	N	N	N	N
23. Major commercial project	N	N	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
24. Adult day care facility	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N	N
<i>E. Industrial Uses</i>											
1. Research/office park	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
2. Warehouse	N	N	N	N	N	SPB	SPB	SPB	SPB	SPB	SPB
3. Planned industrial development	N	N	N	N	N	SPB	N	SPB	N	N	N
4. Removal of sand and gravel	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
5. Quarrying; mining	N	N	N	N	N	N	Y	N	Y	Y	Y
6. Sawmills and wood processing	N	N	N	N	N	Y	Y	N	N	N	N
7. Light manufacturing	N	N	N	N	N	Y	Y	Y	Y	Y	Y
8. Light manufacturing with not more than four employees	N	N	N	N	Y	Y	N	N	N	N	N
9. Wholesale trade	N	N	N	N	Y	Y	N	N	Y	Y	Y
10. Junkyard or automobile graveyard	N	N	N	N	N	N	N	N	N	N	N
11. Wholesale underground fuel storage	N	N	N	N	N	SPA	N	N	N	N	N

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Article 23: Amend Appendix A Appendix A: Table of Principal Use Regulations

PRINCIPAL USE	DISTRICTS										
	RA	RB	B	BL	CH	IH	IA	IB	IC	ID	
E. Industrial Uses (continued)											
12. Asphalt Manufacturing Plant	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
F. Other Uses											
1. Research conducted by a nonprofit educational institution	SPA	SPA	SPA	SPA	N	N	SPA	SPA	SPA	SPA	
2. Drive-up or drive-through facilities, except restaurants	N	N	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	
3. Accessways to other districts	Y	Y	Y	Y	Y	Y	Y	N	N	N	
4. RTF, including Antennas, equipment and Structures (see Section 6.2 for exemptions)	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	

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Town of Westford
2016 ATM, Article 23

Two-thirds declared Majority Vote

April 2, 2016
A True Copy Attest:

Kaari Mai Tari
Town Clerk

